

REMARKS

Claims 1-39 are pending in this Application and stand rejected. New Claims 40 and 41 have been added for consideration by the Examiner. Applicants respectfully request reconsideration and allowance of the instant application.

The rejection of Claims 35-39 under 35 U.S.C. 112, first paragraph is respectfully traversed. Support for a reaction time of less than 100 seconds can be found, for example, in Figure 1 and Examples 18 through 24 that disclose a reaction time (i.e., Rxn Time) of less than 100 seconds. Applicants respectfully submit that this limitation is adequately supported by the originally filed disclosure (which includes the drawings) and request withdrawal of this rejection.

The rejection of Claims 1-39 under 35 U.S.C. 103(a) as being unpatentable over Carey et al. (USPN 3,154,504) taken with Wyceh (USPN 4,923,902) and Kagoshima et al. (U.S.P.N. 5,274,006), is respectfully traversed.

Applicants respectfully reiterate the Remarks submitted on October 15, 2004. Carey and Kagoshima contain conflicting teachings and cannot be properly combined. Wyceh and Kagoshima also contain conflicting teachings and cannot be properly combined. Applicants, therefore, respectfully submit that a combination of Carey, Kagoshima and Wyceh is contrary to M.P.E.P. 2143. Applicants again respectfully request a discussion on how or why these conflicting teachings are overcome in order to arrive at the requisite motivation to combine these references. Applicants also respectfully request a detailed discussion on how these references disclose "dispensing" a foam, and how these references are applied to each of the dependent claims.

Carey et al. (U.S.P.N. 3,154,504) discloses a method for making epoxy foam in which:

- 1) not heat is applied (i.e., the use of elevated temperatures is avoided),
- 2) foamed without chemical blowing agents,
- 3) a single phase system is used,
- 4) a foam is produced by releasing pressure, and;
- 5) wetting agents/surfactants are objectionable/unnecessary (Col 3, Lines 5-10).

Kagoshima et al. (U.S.P.N. 5,274,006) discloses a heat cured epoxy foam in which:

- 1) single-phase previously shaped material foams after being heated,

- 2) the curing agent is heat activated and reacts with epoxy only when heated to a defined temperature and a defined melt viscosity is achieved (refer to Pages 8 and 11 of Kagoshima's Amendment dated June 28, 1993 a copy of the file history is attached),
- 3) a surfactant is required,
- 4) a liquid epoxy (Page 3 of Kagoshima's January 25, 1993 Amendment), and;
- 5) a chemical blowing/foaming agent having a specific decomposition temperature.

Wycech (U.S.P.N. 4,923,902) discloses an epoxy foam formed by a delayed/retarded exothermic reaction which:

- 1) a two-phase system is used,
- 2) each side of the two-phase system contains a filler to form a "dough",
- 3) no heat is applied,
- 4) a chemical blowing agent is used, and;
- 5) no liquids are mixed (Pages 4 and 5 of Wycech's July 20, 1999 Amendment a copy of the file history is attached).

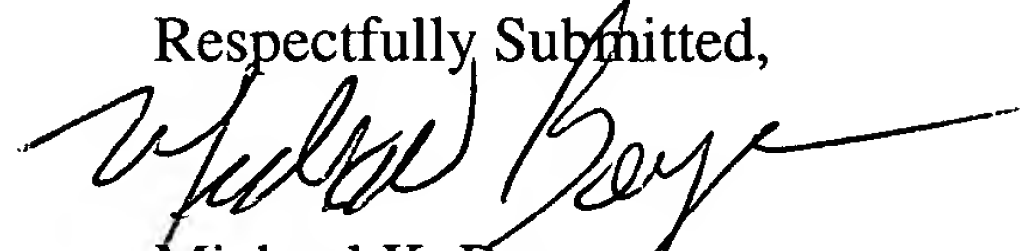
Applicants respectfully submit that a combination of Carey, Kagoshima and Wycech are inconsistent and teach away from each other on virtually every important aspect of their respective inventions. These references teach away on whether a single or two phase system is used. These references teach away on whether the system is heat cured (i.e., whether external heat is applied). These references teach away on whether a chemical blowing is employed. These references teach away on whether a surfactant is desirable. Applicants respectfully submit that a skilled person in this art, when considering these references as a whole and not as selected portions therefrom, would lack the requisite motivation to combine these references. Accordingly, Applicants respectfully submit that these references are not properly combined and a prima facie case of obviousness cannot be established.

The instant application claims benefit under 35 U.S.C. 120 of prior filed parent U.S. Patent Application Serial Nos. 09/081,967 and 09/197,124. Applicants respectfully request consideration of these applications as well as the information cited on the Information Disclosure Statements filed therein.

Should there be any fee due in connection with this Application, please charge the same to Deposit Account No. 15-0680 (Orscheln Management Company). Should the Examiner deem that any further action on the part of

Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael K. Boyer", with a long horizontal flourish extending to the right.

Michael K. Boyer
Attorney for Applicants
USPTO Reg. No. 33,085
tel: 660 269-4536
fax: 660 269-4530
email: mboyer@orscheln.com

Attachments: Certificate of First Class Mailing Dated: February 23, 2005
File History Kagoshima (USPN '006)
File History Wychech (USPN '902)